

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1, 4, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) over the U.S. patent to Braunbach.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) over the U.S. patent to Braunbach in view of the European patent document and the applicant's admitted prior art.

Claim 3 is rejected under 35 U.S.C. 103(a) over the U. S. patent to Braunbach in view of the European patent document.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) in view of the U.S. patent to Braunbach in view of the U.S. patent to Lewin.

Also, the disclosure is objected to and claims 4 and 6 are objected to as well.

In connection with the Examiner's objections to the disclosure, applicants amended the paragraph on page 2, line 6 as required by the Examiner.

Claims 4 and 6 have been also amended in compliance with the Examiner's requirements.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants amended claim 1 by introducing into them some features of claim 2. The thusly amendment to claim 1 does not raise any new issues for examination and/or search since the features introduced now in claim 1 have been examined before the Final Office Action.

Turning now to the prior art applied in the Office Action and in particular to the patent to Braunbach, it should be mentioned that this reference discloses in column 5, lines 34-39 that the base plate can be made as a stamped sheet metal part. However, the patent to Braunbach does not disclose the exact material the base plate is made of. According to the reference, only the wording, "sheet metal" is used, which does not lead automatically a person of ordinary skill in the art to light metal alloys as now defined in claim 1. As described in the specification of the present application, a first group of base plates is known, is known, in which the base plates includes stamped plates and plates made of

sheet steel. It is believed to be clear that the patent to Braunbach discloses the base plates which belong to this first group.

Claim 1 as amended specifically defines that the base plate which is comprised of a metal sheet configured as a stamped and bent metal sheet composed of a light metal alloy has a material thickness of the metal sheet which is less than 4 mm.

Applicants have to respectfully disagree with the Examiner's position that original claim 2, and now the amended claim 1, can be considered as unapertable over the patent to Braunbach in view of European patent document EP 1,428,638. The European patent document discloses a base plate which is formed of aluminum alloy in order to save the weight. However, in it there is no hint or suggestion related to the material thickness, there is no hint or suggestion that the base plate is configured as a stamped and bent metal sheet. Claim 1 defines the base plate which has two distinctive features which are not disclosed in the European patent document, namely first feature that the base plate is configured as a stamped and bent metal sheet, and second feature that the material thickness of the metal sheet is less than 4 mm. The combination of the U.S. patent to Braunbach with the above mentioned European patent document also does not suggest these features.

Applicants respectfully disagree with the Examiner's opinion that the statement that the "stamped components" typically require material thicknesses of greater than 5 mm "on page 6 of the specification allows the interpretation that also lesser thicknesses are known. The prior art does not provide any hint or suggestion to produce base plates made of light metal alloys with a thickness of less than 5 mm. The mere information that the base plate is formed of aluminum alloy in order to save the weight does not automatically lead to a material thickness of less than 5 mm. As described in the specification, a third group of base plates is known being made of cast components made of light metal alloy. It is believed that European patent document 10428636 belongs to this group of the base plates.

It is respectfully submitted that at the time of the invention it was most unusual to produce base plates made of light metal alloys with a thickness of less than 4 mm. According to the prior art, the base plates with a thickness of less than 4 mm consisted of sheet metal. Base plates made of light metal alloys were considered not to be stable enough and therefore have material thickness of at least 5 mm and more. According to the present invention, in an unobvious and highly advantageous manner a way was found to produce a base plate with little weight and sufficient stability, which is achieved by a thickness of less than 4 mm on the one hand a plurality of reinforcing elements on the other hand.

The Examiner rejected the original claims over the patent to Braunbach as being anticipated. In connection with this, it is believed to be advisable to cite the decision in re Lindenman Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the patent to Braunbach does not teach each and every feature as now defined in the amended claim 1, and therefore the anticipation rejection should be considered as not tenable and should be withdrawn.

As for the obviousness rejection applied by the Examiner over the combination of the U.S. patent to Braunbach with the European patent document, it is respectfully submitted that none of the references teaches the new features of the present invention, it is not obvious to combine the references, and the present invention can not be derived the combination of the references. it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in *re Randol and Redford* (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

The present invention also provides for the highly advantageous and unobvious results which can not be achieved by the solutions proposed in the references. It is well known that in order to support a valid rejection in the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case *Ex parte Tanaka, Marushma and Takahashi* (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicant's result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claim 1, the broadest claim on file, should be considered as patentably distinguishing over the art, and should be allowed.

As for the dependent claims, these claims depend on claim 1, they share its allowable features, and they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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